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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,973	02/27/2004	Paul Chyc	1578.701 (11626-US-PAT)	6821
44208 7590 11/27/2007 DOCKET CLERK PO BOX 12608			EXAMINER	
			FATAHI YAR, MAHMOUD	
DALLAS, TX	15225		ART UNIT	PAPER NUMBER
			2629	
	•		MAIL DATE	DELIVERY MODE
•			11/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

•	Application No.	Applicant(s)				
	10/788,973	CHYC ET AL.				
Office Action Summary	Examiner	Art Unit				
	Mike Fatahiyar	2629				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period v. - Failure to reply, within the set or extended period for reply will, by statute. Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNI 36(a). In no event, however, may a will apply and will expire SIX (6) MON , cause the application to become Al	CATION. reply be timely filed WTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).				
Status		•				
1) Responsive to communication(s) filed on 12 Section 1	Responsive to communication(s) filed on <u>12 September 2007</u> .					
·	,					
Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under E	x parte Quayle, 1935 C.L	D. 11, 453 O.G. 213.				
Disposition of Claims						
4) ⊠ Claim(s) 1-3 and 5-20 is/are pending in the appearance 4a) Of the above claim(s) is/are withdraw 5) □ Claim(s) is/are allowed. 6) ⊠ Claim(s) 1-3 and 5-20 is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/o	wn from consideration.					
Application Papers						
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) accomposed and applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Example 11.	epted or b) objected to drawing(s) be held in abeyation is required if the drawing	nce. See 37 CFR 1.85(a). (s) is objected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	Paper No(Summary (PTO-413) s)/Mail Date nformal Patent Application 				

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DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims s 1-3 and 5-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kodim(6,094,190).

Kodim discloses an input generating device comprising a planar core(i.e., bottom portion of 7) including a peripheral edge around the entirety of the core(i.e., the top portion of the core 7), a flexible track(8), a first input detection means((11) which is a turns encoder, a channel(8a', 8a"), a plurality of track segments(8a, see figures 9 and 10), a depressible component(13), a second tactile input detection(14), a carriage(14 and the vertical bore for mounting ball(17) and a housing(2), see columns 7 and 9-10) which all function as claimed.

3. Applicant's arguments filed 9/12/07 have been fully considered but they are not persuasive. Applicants in their remarks have argued that "Kodim does not disclose or suggest a planar core, it is submitted that Kodim cannot anticipate claims 1 and 14". In response thereto, it must be pointed out that the bottom portion of core(7) is in fact planar, just like the presently claimed invention.

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4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Fatahiyar whose telephone number is (571)272-7688. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

RICHARD HJERPE

SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2600

M. Fatahiyar

November 24, 2007